IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13136 of 2005

Between:

M.Suresh, s/o M.V.Basavaiah,
D.NO.26-43-1/2, Jayanthi Pearle, Old Gajuwaka, Visakhapatnam District.

..... PETITIONER

AND

1. Gajuwaka Municipality rep., by its Commissioner, Gajuwaka, Visakhapatnam district.

2. The Visakhapatnam Urban Development Authority rep., by its Vice-Chairman, Visakhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of Mandamus directing the respondents not to demolish the 3rd and 4th floors of the petitioners building constructed in an extent of 900 sq.yds.covered by Sy.Nos.181/2 & 181/11 of Chinagantyada Village, Gajuwaka Municipal Limits, Gajuwaka Mandal, Visakhapatnam by declaring the action of the respondents as arbitrary, illegal and violative of Articles 14, 21 and 300-A of the Constitution of India besides gross violation of principles of natural justice and the provisions of A.P.Urban Areas (Development) Act, 1975 with all consequential benefits.

Counsel for the Petitioner:MR.B.M.PATRO

Counsel for the Respondent No.1: MR.S.NAGESWARA REDDY

Counsel for respondent No.2: Mrs.V.Preeti Reddy

The Court made the following :

O R D E R:

This writ petition is filed by the petitioner for a direction to the respondents not to demolish 3rd and 4th floors of his building constructed in an extent of 900 square yards covered by S.Nos.181/2 & 181/11 of Chinagantyada Village, Gajuwaka

Municipal limits, Gajuwaka Mandal, Visakhapatnam, by declaring the action of the respondents as arbitrary, illegal and violative of Articles 14,21 and 300-A of the Constitution of India besides gross violation of the principles of natural justice and the provisions of the Andhra Pradesh Urban Areas (Development) Act, 1975, with all consequential benefits.

The learned counsel for the petitioner submits that even before the submission of the explanation by the petitioner to the show cause notice, the respondent authorities came to the house of the petitioner and threatened to demolish his building.

On perusal of the material placed before this court, it is seen that the show cause notice was issued to the petitioner on 21.05.2005 and the same was received by the petitioner on 13.06.2005, for which, explanation has to be submitted by the petitioner within ten days from the date of receipt of the notice. Therefore, the petitioner is having ten more days for filing his explanation. As the petitioner straight away approached this court without submitting any explanation for the show cause notice issued by the respondents I see no reason to interfere with the writ petition.

The writ petition is, therefore, dismissed. However, it is open for the petitioner to submit his explanation for the show cause notice issued by the respondent authorities, dated 21.05.2005 and on receipt of the same, the respondents are directed to pass appropriate orders in accordance with law, without resorting to demolish the building of the petitioner. No costs.

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E.DHARMA RAO J.,

Dt.20.06.2005

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To

1. Gajuwaka Municipality rep., by its Commissioner, Gajuwaka, Visakhapatnam district.

2. The Visakhapatnam Urban Development Authority rep., by its Vice-Chairman, Visakhapatnam, Visakhapatnam District.

3. 2 CCs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT)

4. 1 C.C. to Mr.Patro

5. 2 C.D.Copies.